

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STATE FARM MUTUAL
AUTOMOBILE INS. CO.,

Plaintiff,
v.
Case No. 16-13040
HON. AVERN COHN
ELITE HEALTH CENTERS, INC., et al.,
Defendants.

ORDER DENYING JAYSON ROSETT'S OBJECTIONS (Doc. 393)
AND
AFFIRMING THE MAGISTRATE JUDGE'S ORDER GRANTING THE ELITE
DEFENDANTS' MOTION TO COMPEL (Doc. 395)

I.

This is a fraud case. All pretrial matters have been referred to the magistrate judge. (Doc. 229) A group of defendants, identified in the record as the Elite Defendants, filed a motion to compel the deposition of another defendant, Jayson Rosett. (Doc. 382). On January 17, 2019, the magistrate judge held a hearing and granted the motion. An order followed. (Doc. 395).

Before the Court are Rosett's objections to the order (Doc. 393) to which the Elite Defendants have responded (Doc. 394). For the reasons that follow, the objections will be denied.

II.

When a party files timely objections to a magistrate judge's opinion and order concerning a non-dispositive matter, the district judge "must consider [these] objections

and modify or set aside any part of the order that is clearly erroneous or is contrary to law." Fed. R. Civ. P. 72(a).

A district court must conduct a de novo review of the parts of a magistrate judge's report and recommendation to which a party objects. 28 U.S.C. § 636(b)(1). The district "court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate" judge. Id.

III.

Having reviewed the magistrate judge's order in light of Rosett's objections, the Court is satisfied that the magistrate judge did not clearly err in granting the Elite Defendants' motion to compel. Specifically, despite Rosett's contentions to the contrary, the magistrate judge did consider the issue of prejudice to both sides and after careful consideration, found that the deposition should go forward. As the magistrate judge explained: "further delay gives little assurance that Rosett will be more willing to testify in the future than he is at present. . . . and . . . there may be a host of subjects which the Elite Defendants wish to explore with Rosset in deposition at this time for which he does not (or cannot in good faith) assert the Fifth Amendment." (Doc. 385 at p. 3).

Accordingly, Rosett's objections to the magistrate judge's order is DENIED. The magistrate judge's order is AFFIRMED.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: 1/18/2019
Detroit, Michigan